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E-filed 9/28/06

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ALEJANDRO MARTINO-
GONZALES,

Defendant.

No. 06-00634 RS

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME

SAN JOSE VENUE

On September 21, 2006, the parties in this case appeared before the Court for an arraignment. After the defendant was arraigned and entered a plea of not guilty, Assistant United States Attorney Susan Knight then explained that the government recently provided discovery to the defendant's attorney, Alfredo Morales, and requested an exclusion of time under the Speedy Trial Act from September 21, 2006 to November 2, 2006. The defendant, through his attorney, agreed to the exclusion. The undersigned parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

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SO STIPULATED:

KEVIN V. RYAN
United States Attorney

DATED: _____

/s/
SUSAN KNIGHT
Assistant United States Attorney

DATED: _____

/s/
ALFREDO M. MORALES
Counsel for Mr. Martino-Gonzales

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from September 21, 2006 until November 2, 2006. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

SO ORDERED.

DATED: 9/28/06 _____


HOWARD R. LLOYD
United States Magistrate Judge